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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,606	12/01/2000	Allen B. Tabbert	RA 5356 (USYS.024PA)	5667

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12/30/2003

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EXAMINER

KISS, ERIC B

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 12/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,606

Applicant(s)

TABBERT, ALLEN B.

Examiner

Eric B. Kiss

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims numbered 1-13 and 15 have been originally presented. Applicant has not presented an original claim numbered 14. Accordingly, Applicant's numbered claim 15 has been renumbered as 14. Claims 1-14 have been examined.

Specification

2. The abstract of the disclosure is objected to because the first two lines contain a sentence fragment. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by “Turbo Assembler® Version 3.0 User's Guide,” 1991 (hereinafter *TASM3*).

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As per claim 1, *TASM3* discloses determining storage requirements from high-level language definitions of one or more data structures in an assembly language source program and removing the definitions from the assembly source program; determining memory addresses of the one or more data structures from memory allocation directives in the assembly language source program and removing the allocation directives from the assembly source program; and replacing references to elements of the data structures in the assembly source program with memory addresses (see, for example, page 252, last paragraph, through page 257, paragraph 3; and “Declaring public symbols”, “Defining external symbols”, “Defining global symbols”, and “Defining communal variables” on pages 224-227; Note that PUBLIC, EXTRN, GLOBAL, and COMM are assembler/linker directives that get replaced by the assembler/linker when processed).

As per claim 2, *TASM3* further discloses assembling the assembly source program into a first object code segment (see, for example, the last paragraph on page 242 through the end of page 243); compiling the high-level language program into a second object code segment (see, for example, the last paragraph on page 242 through the end of page 243); and linking the first and second object code segments (see, for example, the last paragraph on page 242 through the end of page 243).

As per claim 3, *TASM3* further discloses each allocation directive including a reference to a data structure definition, a variable name, and an address (for example, an EXTRN directive can be used to reference an external C++ variable, which inherently has a data structure definition, a

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variable name, and an address, assuming the C++ variable has been properly defined as “public” and is therefore accessible; see, for example, page 252, last paragraph, through page 257, paragraph 3).

As per claim 4, *TASM3* further discloses variable name including an array size (see, for example, “Defining communal variables” on pages 226-227).

As per claim 5, *TASM3* further discloses a reference to an element of a data structure in the assembly source program including a hierarchical specification of the element (see, for example, see, for example, Table 5.12 on pages 91-92).

As per claim 6, *TASM3* further discloses a reference to an element of a data structure in the assembly source program including one of a request for an address and a request for an offset address of the element (see, for example, Table 5.12 on pages 91-92).

As per claim 7, *TASM3* further discloses a reference to an element of a data structure in the assembly source program including one of a request for an address of the element, a request for an offset address of the element, and a request for a size of the element (see, for example, Table 5.12 on pages 91-92).

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As per claim 8, *TASM3* further discloses replacing a reference to an element of a data structure that includes a request for a size of an element with the size of the element (see, for example, Table 5.12 on pages 91-92).

As per claim 9, see the disclosure applied above to claim 2.

As per claim 10, see the disclosure applied above to claim 3.

As per claim 11, see the disclosure applied above to claim 4.

As per claim 12, see the disclosure applied above to claim 2.

As per claim 13, see the disclosure applied above to claim 3.

As per claim 14, see the disclosure applied above to claim 1.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (703) 305-7737. The Examiner can normally be reached on Tue. - Fri., 7:30 am - 5:00 pm. The Examiner can also be reached on alternate Mondays.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

EBK / ESK
December 19, 2003



TUAN DAM
SUPERVISORY PATENT EXAMINER